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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



REC'D 16 NOV 2004	
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Applicant's or agent's file reference PCT03-003	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/KR2003/001464	International filing date (day/month/year) 23 JULY 2003 (23.07.2003)	Priority date (day/month/year) 24 JULY 2002 (24.07.2002)
International Patent Classification (IPC) or national classification and IPC IPC7 B65D 81/34		
Applicant PARK, Sang-Kyu		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 16 FEBRUARY 2004 (16.02.2004)	Date of completion of this report 30 OCTOBER 2004 (30.10.2004)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer CHOI, Ki Hyuk Telephone No. 82-42-481-5894 

Form PCT/IPEA/409 (cover sheet) (July 1998)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/001464

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/001464

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purpose of this report:

D1: JP 2002-059959 A

D2: KR 20-0277760 B

D3: JP 2002-127287 A

1. Novelty and Inventive Step

The invention of claim 1 is a cooking state and completion indicator of instant foods, comprising: an indicating unit combined with a cover or a sealing member of a disposal vessel for containing the instant foods, and having therein a plurality of pattern layers with various heights; a temperature-sensitive material filling the pattern layers of the indicating unit; and a message member positioned under the pattern layers.

D1 discloses a cup-noodle container. On the surface of an upper lid (2) or a side surface of said container, a time passing display body (3) which discolors in steps is printed or pasted. The time passing display body (3) is made to discolor in steps by using a temperature indicating material or temperature sensing material, so that the time passing until the completion time or the remaining period of time can be visually measured and checked.

The time passing display body (3) of D1 is equivalent to the indicating unit of claim 1 which has a plurality of pattern layers filled with a temperature-sensitive material.

(Continued on Supplemental Sheet.)

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of:

Box V.

The prior art D1-D3 do not disclose any equivalent to the message member positioned under the pattern layers of claim 1. Said message member has the function to inform a message when the intended time or temperature is reached. However, the adoption of a message member as an indicating unit and said function of the message member is obvious to a person skilled in the art. Therefore, claim 1 satisfies PCT Article 33(2) in respect of novelty, but does not satisfy PCT Article 33(3) in respect of inventive step.

2. Industrial Applicability

The invention of claim 1 relates to a cooking container of instant foods such as instant noodles. Therefore, claim 1 possesses industrial applicability according to PCT Article 33(4).